

**HOUSE JOURNAL  
63RD LEGISLATURE  
TWENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
February 8, 2013

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker presiding. Invocation by Representative Hill. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Greef, Peppers, Squires, and Warburton, Whitford, excused. Quorum present.

**BILLS** (O'Hara, Chair):

2/8/2013

Correctly printed: **HB 224, HB 225, HB 264, HB 305, HB 323, HB 328, HB 333, HB 346, HB 347, HB 356, HB 410, HB 411, HB 414, HB 415, HB 416, HB 418, HB 419, HB 420, HB 421, HB 422, HB 424, HB 425, HB 426, HB 428, SB 52, SB 60, SB 72.**

Correctly engrossed: **HB 222, HB 232, HB 280, HB 324, HB 337, SB 121.**

Examined by the sponsor and found to be correct: **HB 41, HB 53, HB 73.**

Transmitted to the Senate: **HB 71, HB 89, HB 195, HB 200, HB 239, SB 15, SB 16, SB 30, SB 32, SB 87.**

Signed by the President at 11:15 a.m., February 8, 2013: **HB 34, HB 35, HB 51, HB 56.**

Delivered to the Governor for approval at 12:45 p.m., February 8, 2013: **HB 34, HB 35, HB 51, HB 56.**

**REPORTS OF STANDING COMMITTEES**

**TRANSPORTATION** (Lavin, Chair):

2/6/2013

**HB 305**, do pass. Report adopted.

**AGRICULTURE** (Randall, Chair):

2/7/2013

**HB 323**, do pass. Report adopted.

**HB 337**, introduced bill, be amended as follows:

1. Page 1, line 24 through line 25.

**Strike:** "at least once" on line 24 through "also be published" on line 25

**Following:** "website and" on line 25

**Strike:** "posted in"

**Insert:** "provided to"

**Following:** "market"

**Strike:** " "

**Insert:** "and"

**Following:** "office"

**Strike:** " "

**Insert:** " "

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2. Page 1, line 26.

**Strike:** "conservation district," through "in the state."

3. Page 1, line 27.

**Following:** "electronic means"

**Insert:** "to each conservation district, veterinarian's office, and county extension office in the state and"

And, as amended, do pass. Report adopted.

**HB 346**, do pass. Report adopted.

**HB 356**, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Welborn, Chair):

2/7/2013

**HB 324**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "87-2-603"

**Insert:** "AND 87-6-404"

2. Page 1, line 12.

**Strike:** "and (3)"

**Insert:** "through (4)"

**Following:** "who"

**Insert:** "is a resident of the United States and"

3. Page 1, line 16.

**Following:** "times"

**Insert:** "and places"

4. Page 1, line 16 through line 17.

**Strike:** "and at the places" on line 16 through "license" on line 17

5. Page 1, line 20.

**Following:** "resident"

**Strike:** "and"

**Insert:** ":(a)"

6. Page 1, line 21.

**Following:** "subsection (1)"

**Insert:** ";

(b) who is issued a Class C-2 license under subsection (1) may trap only those fur-bearing

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animals allowed to be trapped or hunt only those fur-bearing animals allowed to be hunted by nonresidents in the person's state of residence; and

(c) may not hunt bobcat with the aid of a dog or dogs.

(4) The commission may:

(a) limit the number of Class C-2 licenses to be issued; and (b) set quotas and methods for nonresident taking of fur-bearing animals"

7. Page 1, line 22.

**Insert: "Section 2.** Section 87-6-404, MCA, is amended to read:

**"87-6-404. Unlawful use of dog while hunting.** (1) Except as provided in subsections (3) through (6), a person may not:

(a) chase any game animal or fur-bearing animal with a dog; or

(b) purposely, knowingly, or negligently permit a dog to chase, stalk, pursue, attack, or kill a hooved game animal. If the dog is not under the control of an adult at the time of the violation, the owner of the dog is personally responsible. A defense that the dog was allowed to run at large by another person is not allowable unless it is shown that at the time of the violation, the dog was running at large without the consent of the owner and that the owner took reasonable precautions to prevent the dog from running at large.

(2) Except as provided in subsection (3)(d), a peace officer, game warden, or other person authorized to enforce the Montana fish and game laws who witnesses a dog chasing, stalking, pursuing, attacking, or killing a hooved game animal may destroy that dog on public land or on private land at the request of the landowner without criminal or civil liability.

(3) A person may:

(a) take game birds during the appropriate open season with the aid of a dog;

(b) hunt mountain lions during the winter open season, as established by the commission, with the aid of a dog or dogs;

(c) except as provided in 87-2-603(3)(c), hunt bobcats during the trapping season, as established by the commission, with the aid of a dog or dogs; and

(d) use trained or controlled dogs to chase or herd away game animals or fur-bearing animals to protect humans, lawns, gardens, livestock, or agricultural products, including growing crops and stored hay and grain. The dog may not be destroyed pursuant to subsection (2).

(4) A resident who possesses a Class D-3 resident hound training license may pursue mountain lions and bobcats with a dog or dogs during a training season from December 2 of each year to April 14 of the following year.

(5) (a) A person with a valid hunting license issued pursuant to Title 87, chapter 2, may use a dog to track a wounded game animal during an appropriate open season. Any person using a dog in this manner:

(i) shall maintain physical control of the dog at all times by means of a maximum 50-foot lead attached to the dog's collar or harness;

(ii) during the general season, whether handling or accompanying the dog, shall wear hunter orange material pursuant to 87-6-414;

(iii) may carry any weapon allowed by law;

(iv) may dispose of the wounded game animal using any weapon allowed by the valid hunting license; and

(v) shall immediately tag an animal that has been reduced to possession in accordance

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with 87-6-411.

(b) Dog handlers tracking a wounded game animal with a dog are exempt from licensing requirements under Title 87, chapter 2, as long as they are accompanied by the licensed hunter who wounded the game animal.

(6) Any person or association organized for the protection of game may run field trials at any time upon obtaining written permission from the director.

(7) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(8) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through 87-6-907."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 328**, do pass. Report adopted.

**STATE ADMINISTRATION** (Ingraham, Chair):

2/7/2013

**HB 222**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

**Strike:** "RESTRICTING" on line 6 through "ELECTION;" on line 7

2. Page 2, line 27.

**Strike:** "A candidate shall certify on"

**Insert:** "On"

**Following:** "declaration"

**Insert:** ", "

**Following:** "state"

**Insert:** ", "

**Strike:** "that"

**Insert:** "the candidate shall"

3. Page 2, line 28.

**Following:** "(a)"

**Insert:** "affirm that"

**Following:** ","

**Insert:** "and"

4. Page 2, line 29.

**Following:** "(b)"

**Insert:** "acknowledge the candidate understands that"

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**Following:** "office"

**Insert:** "pursuant to an investigation under 13-37-111"

5. Page 2, line 30.

**Strike:** "; and"

6. Page 3, line 1.

**Strike:** "(c)" through "ineligible"

7. Page 3, line 5 through line 6.

**Strike:** "and" on line 5 through "13-37-126" on line 6

8. Page 3, line 17.

**Following:** "dies"

**Insert:** "or is determined to be ineligible pursuant to an investigation under 13-37-111"

9. Page 5, line 6.

**Strike:** "subsection (1)(a)"

**Insert:** "this section"

10. Page 5, line 22 through line 23.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsection

11. Page 6, line 3.

**Strike:** "(2)(c)(ii)(A)"

**Insert:** "(2)(b)(ii)(A)"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**House bills** concurred in and returned to the House:

2/7/2013

**HB 41**, introduced by Squires

**HB 53**, introduced by Ingraham

**HB 73**, introduced by Flynn

**Senate bills** passed and transmitted to the House for concurrence:

2/7/2013

**SB 88**, introduced by Dick Barrett

**SB 142**, introduced by Wanzenried

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**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 410**, introduced by Washburn, Ballance, G. Bennett, Blasdel, Blyton, Connell, Cook, Doane, Fiscus, Fitzpatrick, Galt, Glimm, Greef, Halvorson, Hertz, Hollandsworth, Ingraham, Laszloffy, Lavin, D. Moore, O'Hara, Redfield, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, White, referred to State Administration.

**HB 411**, introduced by Harris, Osmundson, Peterson, referred to State Administration.

**HB 414**, introduced by Hoven, referred to Transportation.

**HB 415**, introduced by Hagan, referred to Business and Labor.

**HB 416**, introduced by Reichner, MacDonald, referred to Human Services.

**HB 418**, introduced by Harris, referred to Fish, Wildlife and Parks.

**HB 419**, introduced by Edmunds, referred to State Administration.

**HB 420**, introduced by Salomon, Ankney, Blyton, Hertz, L. Jones, Keane, McClafferty, Murphy, Williams, referred to Agriculture.

**HB 421**, introduced by Blyton, Clark, Galt, Greef, Hagan, Hollandsworth, McChesney, Rosendale, Schwaderer, Steenberg, Wagoner, Washburn, Webb, referred to Local Government.

**HB 422**, introduced by Blyton, Kary, Lang, Lenz, D. Moore, Rosendale, referred to Local Government.

**HB 424**, introduced by Pomnichowski, Clark, referred to Business and Labor.

**HB 425**, introduced by Pomnichowski, Clark, referred to Business and Labor.

**HB 426**, introduced by Kary, Fiscus, referred to Local Government.

**HB 428**, introduced by Kary, Doane, D. Moore, O'Hara, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Vance moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Coffin in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 232** - Representative Hunter moved **HB 232**, second reading copy, be amended as follows:

1. Title, line 4.

**Strike:** "THE HIGHEST"

**Insert:** "A HIGHER"

2. Page 1, line 20.

**Strike:** "proof beyond a reasonable doubt"

**Insert:** "clear and convincing evidence"

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Amendment adopted as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.  
Total 100

Nays: None.  
Total 0

Voted Absentee: Greef, Peppers, Squires, Warburton, Whitford, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 232** - Representative Knudsen moved **HB 232**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.  
Total 100

Nays: None.  
Total 0

Voted Absentee: Greef, Peppers, Squires, Warburton, Whitford, Aye.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 224** - Representative C. Smith moved **HB 224** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 61

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hill, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.

Total 39

Voted Absentee: Greef, Warburton, Aye; Peppers, Squires, Whitford, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 225** - Representative C. Smith moved **HB 225** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McChesney, McNiven, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 61

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hill, Hollenbaugh, Hoven, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McClafferty, McNally, Mehlhoff, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.

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Total 39

Voted Absentee: Greef, Warburton, Aye; Peppers, Squires, Whitford, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 264** - Representative Ingraham moved **HB 264** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.  
Total 100

Nays: None.

Total 0

Voted Absentee: Greef, Peppers, Squires, Warburton, Whitford, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 280** - Representative C. Smith moved **HB 280**, second reading copy, be amended as follows:

1. Page 3, line 19.

**Strike:** ", group, or blanket"

2. Page 3, line 24.

**Following:** "means"

**Strike:** "a"

**Insert:** "an individual"

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Amendment adopted as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.  
Total 95

Nays: Boland, Dudik, Eck, Hollenbaugh, Price.  
Total 5

Voted Absentee: Greef, Peppers, Squires, Warburton, Whitford, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 280** - Representative C. Smith moved **HB 280**, as amended, do pass. Motion carried as follows:

Yeas: Ballance, Bangerter, J. Bennett, Blyton, Brodehl, Clark, Connell, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Glimm, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, C. Smith, Vance, Warburton, Washburn, White, Zolnikov, Mr. Speaker.  
Total 53

Nays: Ankney, B. Bennett, Berry, Boland, Boss Ribs, Brockie, Coffin, Cook, Court, Curtis, Dudik, Eck, Gibson, Greef, Gursky, Hill, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Welborn, Whitford, Williams, Wilmer, Wilson, Woods.  
Total 46

Voted Absentee: Warburton, Aye; Greef, Peppers, Squires, Whitford, No.

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Excused: None.

Total 0

Absent or not voting: Wagoner.

Total 1

**HB 321** - Representative Vance moved consideration of **HB 321** be passed for the day. Motion Carried.

**HB 333** - Representative Price moved **HB 333** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 91

Nays: Ballance, J. Bennett, Gibson, Glimm, Lavin, Lenz, Schwaderer, Wagoner, Zolnikov.

Total 9

Voted Absentee: Greef, Peppers, Squires, Warburton, Whitford, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 347** - Representative Fitzpatrick moved **HB 347** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton,

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Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.  
Total 100

Nays: None.  
Total 0

Voted Absentee: Greef, Peppers, Squires, Warburton, Whitford, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 52** - Representative Regier moved **SB 52** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.  
Total 100

Nays: None.  
Total 0

Voted Absentee: Greef, Peppers, Squires, Warburton, Whitford, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 60** - Representative Pierson moved **SB 60** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard,

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Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.  
Total 100

Nays: None.  
Total 0

Voted Absentee: Greef, Peppers, Squires, Warburton, Whitford, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 72** - Representative Salomon moved **SB 72** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.  
Total 100

Nays: None.  
Total 0

Voted Absentee: Greef, Peppers, Squires, Warburton, Whitford, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 121** - Representative Fitzpatrick moved **SB 121** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.  
Total 100

Nays: None.  
Total 0

Voted Absentee: Greef, Peppers, Squires, Warburton, Whitford, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Majority Leader Vance moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Coffin moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.  
Total 93

Nays: Cook.  
Total 1

Voted Absentee: None.

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Excused: Greef, Peppers, Squires, Warburton, Whitford.

Total 5

Absent or not voting: Jacobson.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 181** passed as follows:

Yeas: Ballance, J. Bennett, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Schwaderer, Shaw, C. Smith, Vance, Washburn, White, Mr. Speaker.

Total 49

Nays: Bangerter, B. Bennett, Berry, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hill, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Miller, Moore, Neill, Noonan, Pease-Lopez, Pierson, Pomnichowski, Price, Salomon, Schreiner, B. Smith, Steenberg, Swanson, Wagoner, Welborn, Williams, Wilmer, Wilson, Woods, Zolnikov.

Total 44

Voted Absentee: None.

Excused: Greef, Peppers, Squires, Warburton, Whitford.

Total 5

Absent or not voting: Ankney, Hoven.

Total 2

**HB 262** passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Pierson, Pomnichowski, Price, Randall, Redfield, Reichner, Salomon, Schreiner,

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Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Williams, Wilmer, Wilson, Woods, Zolnikov.  
Total 87

Nays: J. Bennett, Doane, Howard, Kerns, Regier, Mr. Speaker.  
Total 6

Voted Absentee: None.

Excused: Greef, Peppers, Squires, Warburton, Whitford.  
Total 5

Absent or not voting: Fiscus, Hoven.  
Total 2

**HB 291** passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.  
Total 95

Nays: None.  
Total 0

Voted Absentee: None.

Excused: Greef, Peppers, Squires, Warburton, Whitford.  
Total 5

Absent or not voting: None.  
Total 0

**HB 320** passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Gursky, Hagan, Hagstrom,

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Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 95

Nays: None.

Total 0

Voted Absentee: None.

Excused: Greef, Peppers, Squires, Warburton, Whitford.

Total 5

Absent or not voting: None.

Total 0

**HJR 3** adopted as follows:

Yeas: Ballance, J. Bennett, Blyton, Brodehl, Clark, Connell, Cuffe, Doane, Edmunds, Ehli, Fiscus, Flynn, Galt, Glimm, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, Moore, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, C. Smith, Vance, Wagoner, Washburn, White, Zolnikov, Mr. Speaker.

Total 49

Nays: Ankney, Bangerter, B. Bennett, Berry, Boland, Boss Ribs, Brockie, Coffin, Cook, Court, Curtis, Dudik, Eck, Fitzpatrick, Gibson, Gursky, Hill, Hollenbaugh, Hoven, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Neill, Noonan, O'Hara, Pease-Lopez, Pierson, Pomnichowski, Price, Schreiner, Shaw, B. Smith, Steenberg, Swanson, Welborn, Williams, Wilmer, Wilson, Woods.

Total 46

Voted Absentee: None.

Excused: Greef, Peppers, Squires, Warburton, Whitford.

Total 5

Absent or not voting: None.

Total 0

**HJR 7** adopted as follows:

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Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Galt, Glimm, Hagan, Halvorson, Hansen, Hertz, Hollandsworth, Howard, Ingraham, Jones, Knudsen, Lang, Laszloffy, Lavin, Lenz, McChesney, McNiven, Mehlhoff, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Shaw, C. Smith, Vance, Wagoner, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 52

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Brodehl, Coffin, Court, Curtis, Dudik, Eck, Flynn, Gibson, Gursky, Hagstrom, Harris, Hill, Hollenbaugh, Hoven, Hunter, Jacobson, Kary, Kerns, Lieser, Lynch, MacDonald, McCarthy, McClafferty, McNally, Neill, Noonan, Pease-Lopez, Pierson, Pomnichowski, Price, Schreiner, Schwaderer, B. Smith, Steenberg, Swanson, Williams, Wilmer, Wilson, Woods.

Total 43

Voted Absentee: None.

Excused: Greef, Peppers, Squires, Warburton, Whitford.

Total 5

Absent or not voting: None.

Total 0

**SB 39** concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 95

Nays: None.

Total 0

Voted Absentee: None.

Excused: Greef, Peppers, Squires, Warburton, Whitford.

Total 5

Absent or not voting: None.

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Total 0

**MOTIONS**

Majority Leader Vance moved **HB 416** be moved from the Human Services committee to the Business and Labor committee.

**UNFINISHED BUSINESS**

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 404**  
Motion carried.

**HB 404** (Flynn, Chief Sponsor)  
Peterson.

**SPECIAL ORDERS OF THE DAY**

Representative Pomnichowski thanked the pages for their service.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Vance moved that the House adjourn until 8:00 a.m., Saturday, February 9, 2013. Motion carried.

House adjourned at 2:45 p.m.

LINDSEY GROVOM  
Chief Clerk of the House

MARK BLASDEL  
Speaker of the House